

WO

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,)	Mag. No. 08-7226M
)	
Plaintiff,)	
)	
vs.)	ORDER RE: EXTENDING TIME
)	TO INDICT
Carlos Leyva-Cota,)	
)	
Defendant.)	
_____)	

HAVING considered Defendant Carlos Leyva-Cota's Motion to Extend Time to Indict and good cause having been shown;

THE COURT makes the following findings:

1. Counsel for defendant has only recently been appointed;
2. The defendant earnestly wishes to consider the plea offer extended by the government;
3. The defendant wishes to investigate possible defenses prior to considering the government's plea offer;
4. The government's plea offer, if accepted by the defendant and then the Court, would likely reduce defendant's exposure to a significant term of imprisonment;
5. If the defendant does not timely accept the plea offer prior to

1 indictment, the government will withdraw said plea offer and any
2 subsequent plea offer after indictment would likely be less advantageous
3 to the defendant;

4 6. Failure to extend time for indictment in this instance would thus operate
5 to bar defendant from reviewing the government's plea offer in a
6 meaningful way prior to indictment; and

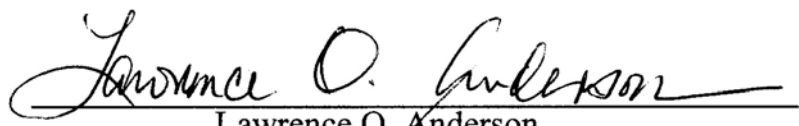
7 7. The ends of justice served by this continuance outweigh the best interest
8 of the public and the defendant in a speedy indictment.

9
10 The Court therefore concludes that the ends of justice are best served by granting
11 an extension of time to present the case to the grand jury and in excluding a period of
12 thirty (30) days under the Speedy Trial Act. In making this determination, the Court
13 has particularly taken into account that the failure to grant the Defendant's request
14 "would deny counsel for the defendant . . . the reasonable time necessary for effective
15 preparation, taking into account the exercise of due diligence." 18 U.S.C. §
16 3161(h)(8)(B)(iv).

17 **IT IS HEREBY ORDERED** that defendant's Motion to Extend Time for
18 Indictment requesting an extension of thirty (30) days within the government may seek
19 to indict defendant, is hereby granted.

20 **IT IS FURTHER ORDERED** that pursuant to the Speedy Trial Act, 18 U.S.C.
21 § 3161, the Government shall have an extension of thirty (30) days to file a timely
22 Indictment. Excludable time shall begin to run on the 31st day after arrest for a period
23 of thirty (30) days in which the Government may present the case to the grand jury.

24 DATED this 19th day of June, 2008.

25
26 
27 Lawrence O. Anderson
28 United States Magistrate Judge